

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY. No. 05-41122  
Chapter 7 Case

Daniel C. Bauer and Laurie A. Bauer,  
Debtors.

Adv. No. 05-4149

Randall L. Seaver, Trustee,  
Plaintiff,

vs.

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER FOR JUDGMENT**

Daniel C. Bauer and Laurie A. Bauer,  
Defendants.

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The above matter came before the court for an evidentiary hearing on March 7, 2006.

Appearances were as noted upon the record.

Based upon all the files, records and pleadings herein, and the court being fully advised in the premises, the court makes the following:

**FINDINGS OF FACT:**

- A. This case was commenced by the filing of a voluntary petition under Chapter 7 on February 27, 2005. The case is now pending in this court.
- B. Plaintiff, Randall L. Seaver, is the duly qualified and acting Trustee in this bankruptcy case.
- C. Defendants Daniel C. and Laurie A. Bauer are the Debtors herein (“**Defendants**”).

D. The Debtors have a multitude of errors and omissions in their Schedules and Statement of Financial Affairs. Those errors and omissions include, but are not limited to, the following:

1. The transfer of significant undisclosed assets to Mrs. Bauer's parents, including a Jeep, a motorcycle and two ATVs;
2. Mr. Bauer's two watches
3. Mrs. Bauer's closed account at Wells Fargo
4. Mr. Bauer's undisclosed cash
5. Unscheduled boat registered to Mr. Bauer
6. Undisclosed Health Savings Account
7. Trailer registered to Mr. Bauer
8. Payment in amount of \$3,000.00 to son's attorney and payment of son's legal bill
9. Undisclosed transfers to creditors
10. Omitted expenses from Schedule J
11. Omitted life insurance policy
12. Undisclosed interest income

E. The Court finds that the magnitude of the Defendants' errors and omissions evidence an intention to defraud.

#### **CONCLUSIONS OF LAW**

1. The Debtors' discharge should be denied by 11 U.S.C. §727(a)(2).
2. The Debtors' discharge should be denied pursuant to 11 U.S.C. §727(a)(4).

**ORDER FOR JUDGMENT**

Based upon the above Findings of Fact and Conclusions of Law, and the evidence presented by the Plaintiffs, Plaintiff is awarded judgment against the Defendants, Daniel and Laurie Bauer, as follows:

**IT IS, THEREFORE, ORDERED AND ADJUDGED:**

That Judgment be entered:

- a. Denying Defendants their discharge herein.
- b. Award Plaintiff his costs and disbursements incurred herein.

LET JUDGMENT BE ENTERED ACCORDINGLY

Dated: \_\_\_\_\_, 2006

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Robert J. Kressel  
U.S. Bankruptcy Judge

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